

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CA NO. 3:05-CV-02858-MJP

UNITED STATES OF AMERICA, ex rel.,)
MICHAEL K. DRAKEFORD, M.D.,)
Plaintiffs,)
v.)
TUOMEY d/b/a TUOMEY HEALTHCARE)
SYSTEM, INC.)
Defendant.)

GOVERNMENT'S INITIAL DISCLOSURES

The plaintiff, the United States of America, makes the following initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1):

1. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(i), individuals who may have discoverable information:

Dr. Ted Williams

Dr. Kent Cunningham

Dr. Floyd Angus

Dr. Scott R. McDuffie

Dr. David E. Brown

Dr. John Britton

Dr. Barney Williams

Dr. Thomas Hepfer

Dr. Murrell Smith

Dr. Samuel Riddle

Dr. Tessa Kincade

Dr. Helen Latham

EXHIBIT 6

Dr. Michael Drakeford

Dr. Hans Brings

Dr. James W. Ellett

Dr. Henry P. Moses

Dr. Robert Lee

Dr. David Lovice

Dr. Paul Evangelisti

Dr. Kurt Stroebel

Dr. Scott McDuffie

Dr. Mark Crabbe

Dr. Danny Ford

Dr. Robert Ridgeway

Patsy Royal

Greg Thompson

John Brabham

Greg Martin

Jay Cox

Joel Grice

Doug Cardinal

Any other Cjeka Consulting employees involved
in the rendering of opinion letters to Tuomey

Chris Caison

Dr. Ken Rosefield

Ann Rickard

Robin Caples

Crystal Bishop

Jennifer Smith

Chal Glen

Dr. Charles Moss

Dr. Jerry Jackson

Lynn Lashley

Gary Koslin

Brian Odum

Dean Byrd

Donna Welch

Dr. Brandon Fites

Dr. France Cuce

Possible additional Operating Room personnel
and/or Nurse Anesthetists

Greg Smith

Kevin McAnaney

Tim Hewson

Steven H. Pratt

Any other attorneys involved in the rendering
of opinion letters to Tuomey

Mark Curtis

James Wilson

All members of Tuomey Board of Directors
during the period of the alleged fraud

Various Tuomey employees not yet identified

Possible expert witnesses, yet to be named

Possible representatives of carriers, intermediaries and/or TriCenturion with knowledge of claims submitted by Tuomey.

Possible representatives of the South Carolina Medicaid program with knowledge of claims submitted by Tuomey

Special Agent Su Kim

All persons named or referred to in the Complaint

2. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(ii), description of documents which may be used to support the plaintiff's claims:

All documents previously delivered by Tuomey to the United States during the investigation of this case, including but not limited to:

- All electronic and hard copy documents delivered
- Binder entitled "Tuomey Healthcare System Legal Advice"
- Tabs A, B and C (i.e. factual portions) of Binder entitled "Tuomey Healthcare System Analysis Presented to United States Department of Justice" (previously referred to as the "white paper")

All documents previously produced to the United States and Tuomey by Kevin McAnaney

All documents produced by Cjeka Consulting
Cjeka Consulting Powerpoint Presentation

All signed and proposed Part Time Employment Agreements

All Legal Opinion Letters

All Cjeka Consulting Opinion Letters

Various documents produced to the United

States by Michael Drakeford, bates numbers DP 00008 - DP00241

Records supporting claims submitted to the Medicare and Medicaid Programs, including Electronic Claims data from TriCenturion and South Carolina HHS

Copies of Form 990 Tax Returns filed by Tuomey

Copies of Tuomey's Hospital Cost Reports for 2003-2006

Documents received from the following individuals: Michael Drakeford, Robert Lee, Greg Smith, Joel Grice.

Tuomey Hospital Conflict of Interest Policy

Documents received from Cross Country Healthcare

Tuomey Provider Agreement from CMS

Tuomey Medicare Application Information

3. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(iii), a computation of damages (note - these damage figures are preliminary, and do not include all data from the end of 2007 or any data from 2008):

Medicare Damages:

Estimated dollars paid by Medicare to Tuomey for the technical component and other ancillary services performed by Tuomey for the patients seen by the "Tuomey Practice Groups" on the same day of service, which appears to be as a result of the "outpatient surgeries" performed by the physicians named in the Amended Complaint:

	8136 - Gastro	8151 - OBGYN	8152 - Ophthalmology	8190 - Surgical Svcs.	Total
2005	872,565.56	14,625.67	556,225.52	451,917.89	1,895,334.64
2006	780,527.17	25,091.23	636,736.18	702,428.75	2,144,783.33
2007	670,826.49	16,983.12	487,207.70	693,588.79	1,868,606.10
Total	2,323,919.22	56,700.02	1,680,169.40	1,847,935.43	5,908,724.07

Estimated total dollars paid by Medicare to Tuomey as a result of referrals for designated health services by the physicians named in the Amended Complaint (these figures include the "outpatient surgery" figures above):

	8136 - Gastro	8151 - OBGYN	8152 - Ophthalmology	8190 - Surgical Svcs.	Total
2005	3,461,938.03	234,046.89	568,574.20	6,004,235.22	10,268,794.34
2006	3,329,457.63	160,801.48	654,292.37	5,783,431.41	9,927,982.89
2007	2,636,904.86	134,451.16	502,541.80	5,520,549.72	8,794,447.54
Total	9,428,300.52	529,299.53	1,725,408.37	17,308,216.35	28,991,224.77

Estimated number of claims presented by Tuomey to Medicare for designated health services referred by the physicians named in the Amended Complaint (for calculation of penalties):

	8136 - Gastro	8151 - OBGYN	8152 - Ophthalmology	8190 - Surgical Svcs.	Total
2005	3,143	809	906	1,513	6,371
2006	3,153	717	967	1,540	6,377
2007	2,477	443	746	1,407	5,073
Total	8,773	1,969	2,619	4,460	17,821

Medicaid Damages:

Estimated dollars paid by Medicaid to Tuomey for the technical component and other ancillary services performed by Tuomey for the patients seen by the "Tuomey Practice Groups" on the same day of service, which appears to be as a result of the "outpatient surgeries" performed by the physicians named in the Amended Complaint:

	8136 - Gastro	8151 - OB-GYN	8152 - Ophthalmology	8190 - Surgical Svcs.	Total
2005	377,653.69	1,612,395.76	58,776.95	498,160.66	2,546,987.06
2006	357,264.01	1,694,849.81	68,417.13	741,115.60	2,861,646.55
2007	136,800.82	814,649.71	32,878.88	247,483.27	1,231,812.68
Total	871,718.52	4,121,895.28	160,072.96	1,486,759.53	6,640,446.29

(Note: The United States has not yet been able to calculate the total Medicaid Damages for all designated health services referred by the physicians named in the Amended Complaint)

Estimated number of claims presented by Tuomey to Medicaid for designated health services referred by the physicians named in the Amended Complaint (for calculation of penalties):

	8136 - Gastro	8151 OBGYN	8152 - Ophthalmology	8190 - Surgical	Total
2005	842	4,215	246	428	5,731
2006	656	4,006	330	585	5,577
2007	386	2,174	134	283	2,977
Total	1,884	10,395	710	1,296	14,285

4. Pursuant to Fed.R.Civ.P. 26(a) (1) (A) (iv), there are no insurance policies relevant to this action in the ownership, possession, custody or control of the United States; however the United States requests copies of any relevant insurance policies owned by, paid for by, or in the possession, custody or control of the defendant or any of its officers, directors or employees.

Submitted this 28th day of May, 2008.

Respectfully submitted

GREGORY G. KATSAS
Acting Assistant Attorney General

/s/ G. NORMAN ACKER, III

G. NORMAN ACKER, III
Special Attorney and
Assistant United States Attorney
Eastern District of North Carolina
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
Email: norman.acker@usdoj.gov

/S/ G. NORMAN ACKER, III (for)

JOYCE R. BRANDA
MICHAEL D. GRANSTON
TRACY L. HILMER
NIALL M. O'DONNELL
Attorneys, Civil Division
United States Department of Justice
Post Office Box 261
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 307-0474
Email: tracy.hilmer@usdoj.gov

Attorneys for the United States

CERTIFICATE OF SERVICE

I do hereby certify that I have this 28th day of May, 2008, served a copy of the foregoing upon the below-listed parties electronically or by placing a copy of the same in the U.S. Mails, addressed as follows:

Kevin M. Barth, Esquire
Ballenger Barth & Hoefer, LLP
Florence, SC 29503

A. Camden Lewis
Mary G. Lewis
Attorneys at law
P. O. Box 11208
Columbia, SC 29211

Daniel M. Mulholland, III
Attorney at Law
4614 Firth Avenue
Pittsburgh, PA 15213

/S/ G. NORMAN ACKER, III
Special Attorney